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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,874	10/26/2000	Yoshiaki Umehara	N45-127803M/MI	2977

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EXAMINER

BURCH, MELODY M

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,874

Applicant(s)

UMEHARA ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11, 13-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 16 and 24 is/are allowed.
- 6) ☒ Claim(s) 6-11, 13, 14, 18-23, 25, 26 and 28 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 29-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/4/04.
2. Applicant's election without traverse of invention I in the reply filed on 10/4/04 is acknowledged.

Claim Objections

3. Claims 9, 10, 21, 22, 23, 26, 27, and 28 are objected to because of the following informalities:

Re: claims 9 and 10. The phrase "the central portion" first claimed in line 2 of claim 9 should be changed to --a central portion-- since the phrase "the central portion" has a special meaning in the disclosure of the instant invention as one of the sections of a divided caliper body.

Re: claims 21 and 22. All instances of the phrase "thick walled" should be changed to --thick-walled-- to maintain consistency.

Re: claims 22 and 28. The phrase "the ratio of volume" first claimed in line 2 from the bottom of claim 22 should be reworded to clearly specify which ratio of volume Applicant intends to refer to. It is noted that claim 6 recites two different ratios of volume.

Re: claim 23. The phrase "to be said reaction pawl" should be changed to --to form said reaction pawl-- for grammatical purposes and to be consistent with the language in claims 24 and 25.

Re: claims 26 and 27. A period should be included at the end of the claims.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6-11,13,14,18-23, 25, 26, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 6 and 19. The recitation of the sprue and the union hole as separate elements leads to confusion. Examiner notes that in lines 24-25 of pg. 6 of the instant application, Applicant describes the union hole as being "used as a sprue" which essentially suggests that the union hole and the sprue represent the same element.

Re: claim 26. The phrase "a union hole" in line 2 is indefinite. It is unclear to the Examiner whether Applicant intends for the union hole in claim 26 to be the same or different from that claimed in claim 6.

The remaining claims are indefinite due to their dependency from claims 6 and 19.

Allowable Subject Matter

6. Claims 15, 16, and 24 are allowed.

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7. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 6-11, 13, 14, 18-23, 25, 26, and 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

9. Applicant's arguments filed 5/26/04 have been fully considered but they are not persuasive. It is also noted that the declaration has been reviewed and considered. The declaration leads to confusion since in line 3 of section 8 it is stated that "the union hole is different from the sprue". However, statements in the disclosure of the instant invention and even statements in the declaration itself suggest that the union hole and the sprue represent the same element. For example, in the disclosure of the invention in lines 24-25 of pg. 6 Applicant states that "a union hole...is used as a sprue". In lines 5-8 of pg. 7 Applicant states that "the union hole...is made the sprue, ...the processed sprue can be directly made the flange portion of the union hole". In line 6 of section 8 of the declaration it is even stated that the "sprue...is processed to form the union hole". These cited statements in the disclosure of the invention and in the declaration suggest that the union hole and the sprue represent the same element, therefore, the 112 2nd rejections of claims 6 and 19 regarding the recitation of the union hole and the sprue as separate elements are maintained. Examiner notes that, unlike claims 6 and 19, claim 27 clearly describes the union hole/sprue relationship.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmb 10/13/04
mmb
October 13, 2004


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